



City of Peabody Conservation Commission

City Hall • 24 Lowell Street • Peabody, Massachusetts 01960 • Tel. 978-538-5782

MINUTES

December 13, 2023

Link: <https://peabodytv.org/videos-on-demand/?vid=1156>

At this time the Peabody Conservation Commission hearings will continue to be held remotely. Remote participation is allowed in accordance with Section 20 of Chapter 22 of the Acts of 2021 signed into law by Governor Baker on February 12, 2022, suspending provisions of the Open Meeting Law, G.L. c. 30A, Section 18. as extended by Section 20 of Chapter 22 of the Acts of 2022 and further extended by the Final Compromise Bill enacted by the House and Senate on March 23, 2023, and signed by Governor Maura Healey on March 29, 2023.

MEMBERS PRESENT

Chairman Stewart Lazares
Vice Chairman Michael Rizzo
Amanda Green
Arthur Athas

MEMBERS ABSENT

Sec. Michael Vivaldi
Bruce Comak
Ritamarie Cavicchio

Also Present: Lucia DelNegro, Conservation Agent

CHAIRMAN LAZARES CALLED THE MEETING TO ORDER at 7:00 PM

NOTICES OF INTENT

1. A Public Hearing on a Notice of Intent submitted by Goddard Consulting, LLC (Tom Schutz) for Trustee of 18 Carell Road Nominee Trust (Gilbert Aleixo-Filho). The proposed work is the construction of an extension to Carell Road with associated grading to be used as a snow storage area, turnaround and driveway for a single-family house within buffer zone of BVW. The property is known as 18 Carell Road, Map 57, Lot 74N, Peabody MA.

Present: Thomas Schutz (Goddard Consulting, LLC), Gilberto Aleixo-Filho (owner)

Summary: Mr. Schultz gave a presentation. This is an old project that was originally part of the Winona Woods Subdivision. There is an old, expired Order of Conditions for the project (issued 2007 and expired in 2012). The project is the same project that was previously approved (a road and driveway for a SFH) in buffer zone. The foundation has already been installed. The road has not been completed but the site has been cleared. They have recently updated the plans to show a stone trench along the roadway closest to the resource area. The proposed house is outside the buffer zone. Erosions controls have been installed already and approved by staff. The site is comprised mostly of sandy material. The house is a slab on grade with no basement. **Discussion ensued** regarding stormwater runoff and existing catch basins. The Conservation Easement area should have been deeded to the city, but staff cannot locate the deed. The property owner stated he has deeded it to the city but is unsure if it has been recorded at the registry. The chairman stated that the assessor's map does not show the conservation land broken off the house parcel. They will need to deed the easement land to the city if it has not been to date. Mr. Rizzo wants input from the fire department. Mr. Athas was curious as to why the road was necessary and not just a driveway. According to the developer it was a request in 2007 from the city engineer that reviewed the project. The commission will need input from DPS to make sure it is still the wish of their department. It was supposed to be for snow storage at the end of Carell Rd. The commission is unsure if it is necessary. The chairman asked for the plan to be revised showing granite posted No Disturb Zone-No Snow Storage signs along the easement. There was a discussion about boulder placement at the end of the road. This will keep plow trucks from dumping snow into the resource or buffer. Further **discussion ensued** regarding existing catch basins and if new catch basins are necessary. Since the commission has no further questions for the application the chairman opened the item to member so the public for discussion.

Stan Gryglik, 4503 Deerfield Circle- Huntington Wood Condominium

MR GRYGLIK: This isn't how I wanted to start off but there are no catch basins all along Carell Drive. The first catch basin (CB) is on the turnaround. I have inspected this and that is how I know. The first CB I found is on Forenza facing I believe Hamerick. Around the corner from Pierce there isn't a single CB that I saw the entire length of Carell Road. That is one of my issues as part of a list of issues that I have. Going back to the stone trench I don't think that is going to be satisfactory. I think Mr. Rizzo and Mr. Lazares brought up some good points. Going back to the CBs, the elevation of the road close to the house is about seven to eight feet above the entrance of the road from where Pierce Road is and that is pretty high. I am not sure how a trench is going to handle that, especially in the winter with ice and snow. The other thing is, and it is not just myself,

probably a lot of other abutters from Huntington Wood that are on this call. We are opposed to having the snow situation. In particular as part of the environmental concerns for the Conservation Commission because snow melts, it drags chemicals. I don't know if there are PFAS. Oils, gas and all kinds of things will get dragged up that hill and it is at a higher elevation. The land around it facing the wetlands and the south side faces our property in Huntington Wood. There is also a barrier sort of an earthen barrier on that and the side facing the wetlands that the person from Goddard explained. There is a silt fence already there. That was going to be my first question. Since we are looking at new permitting how does anyone get to put silt fencing and do work until it is approved by this commission under this first meeting? The snow storage is definitely a very important item because we have a creek that is down the bottom of what is now....I have pictures of all this stuff. We have a creek, and we have a runoff from Huntington Road that goes right into this area building 32, 34 and this property is between our building 34 and 36. It is probably about fifty feet from the edge line of our property.

Discussion ensued. Mr. Gryglik mentioned snow melt, pollutants, and the creek on Huntington Wood property again. He mentioned the catch basins again. He also spoke on behalf of the owner of 3 Pierce Road. The property owner currently has flooding issues. He also brought up wildlife and thinks that the creek on their property may be a vernal pool. The abutters at Huntington Wood feel there is not enough information at this meeting to vote. They are also concerned about privacy, lighting, and security. He repeated that he feels drainage will be an issue. Staff chimed in and let the ConComm know that DPS has not finished their review. She also stated the conservation easement land deed has not been located by city staff. Mr. Rizzo commented that the house size was not out of the ordinary and that the commission has no jurisdiction over privacy and quality of life for the abutters. He did agree with the concerns about slope, erosion, and runoff.

Denise Lowey, 702 Foxwood Circle, Huntington Woods Condominium

MS LOWEY: As you can tell Stan has done a lot of research and spent a lot of time going over a variety of issues and facts. On behalf of a group of us here at Huntington Wood I want to concur with all of Stan's information and I am glad you are continuing to review all these matters. That is all I just wanted to concur and speak for a variety of people that also agree with him.

There were no more members of the public that wished to speak. A site visit will be scheduled soon.

Motion to continue as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 4-0.

2. A continued Public Hearing on a Notice of Intent submitted by Attorney John R. Keilty for Josephine Cooke (owner). The proposed work is the construction of a single-family house with associated utilities, grading and driveway. The property is known as 29 Glendale Avenue aka 25 Glendale Avenue, Map 120, Lot 27, Peabody MA.

Motion to continue as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 4-0.

3. A continued Public Hearing on a Notice of Intent submitted by LEC Environmental Consultants, Inc. (Andrea Kendall) for DeOliver Estates, LLC (Daniela DeOliver-owner). The proposed work is the construction of a 360SF single-story addition to the existing commercial building within the riverfront of Strongwater Brook. The property is known as 168 Main Street, Map 86, Lot 159, Peabody MA.

Present: Andrea Kendall (LEC Environmental Consultants, Inc.), John R Keilty (legal counsel) and Daniela DeOliver (owner)

Summary: A revised plan has been submitted. Ms. Kendall reminded the commission of the proposed project. She is also working with DEP regarding the Superseding Certificate of Compliance for the existing Superseding Order of Conditions for the original bakery. Snow will continue to be dealt with as it has for years. A snow storage plan has also been submitted to the board. At this time, they feel they met all the requests of the commission that they can. They were unable to get an agreement with the abutter regarding snow storage. Maintenance reports of the existing drywell have been submitted. **Discussion ensued** regarding the existing drywell on the abutter's property. If the abutter wanted to remove said drywell, they would need to file an NOI with the commission. They cannot remove it without the commission's knowledge. There were no members of the public that wished to speak.

Motion to close the public hearing as made by Mr. Athas. Seconded by Mr. Rizzo. Adopted unanimously 4-0.

Motion to issue a Standard Order of Conditions 1-50 adding the following special conditions: **51)** An As-Built plan is required when requesting the Certificate of Compliance; **52)** Drywell ports need to be accessible for future maintenance. **53)** Maintenance reports of the drywells are required to be submitted annually on 10.31 once the treatment train is online. DPS CONDITIONS: **54)** Bed Bottom inspections and verifications of soil texture need to be conducted on the drywell that will be installed (prior to the fabric and stone being installed) by the applicant's design engineer and licensed soil evaluator. The inspection shall be witnessed by this department. **55)** Revised drywell sketch and specifications as submitted by Robert Langley to applicant's engineer. This stone specification is required along with geotextile fabric as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously.

4. A continued Public Hearing on a Notice of Intent submitted by Attorney John R Keilty for The Farhat Group (owner) and the applicant AGA Foster LLC. The proposed work is the redevelopment of a former leather factory for a commercial storage building. The property is known as 47 Tremont Street, Map 75, Lot 165, Peabody MA.

Present: John R Keilty (legal Counsel) and Christopher Mello (surveyor)

Summary: The applicant received a closeout memo from the city's engineering department. Attorney Keilty gave an update on the changes since the project first started. **Discussion ensued** regarding a retaining wall outside ConComm jurisdiction.

There were no members of the audience that wished to speak for or against the project. The applicant's attorney stated the DPS conditions are reasonable, and they will accept them in the order. Ms. DelNegro reminded the commission that the stormwater for the entire parcel is on a separate Order of Conditions that does not have a Certificate of Compliance yet. The original parcel has been subdivided into three lots.

Motion to close the public hearing as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 4-0.

Motion to issue a Standard Order of Conditions 1-50 adding the following special conditions: **51)** The existing wooden guardrail along the entranceway from Tremont Street (near Lawrence Brook is required to be REMOVED and REPLACED with a standard metal guardrail required crash test specifications; **52)** An As Built Plan is required when requesting a Partial or Full Certificate of Compliance; **53)** Maintenance reports are due annually on 10.31 once the treatment train for the entire commercial complex is online; **54)** MEMO from Robert Langley dated 11.27.23 three pages attached hereto as attachment #1 also including **Checklist D – Lawrence Brook Channel/Culvert 1**. Unless submitted with the Notice of Intent, a report, prepared by a Massachusetts Registered Professional Structural Engineer, shall be submitted to the Commission, for review and approval prior to construction. The report shall include but not be limited to the following: •Any recommended work to repair and/or maintain the structural integrity of the channel/culvert; •Structural Building Requirements over the culvert (foundation design, grade beams, etc.); •Structural requirements where buildings, roadways, drives, or parking lots cross the culvert; •Recommendations for debris removal within the channel/culvert on site; •Results of Geotechnical Exploration as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 4-0.

5. A continued Public Hearing on a Notice of Intent submitted by Williams & Sparages LLC (Thorsen Akerley) for Ray Falite. The proposed work is the construction of a commercial building, driveways, parking, landscaping, utilities, stormwater, public walking trail with canoe launch and riverfront area restoration. The property is known as 60 Pulaski St, Map 53, Lot 85, Peabody MA.

Motion to continue as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 4-0.

6. A Public Hearing on a Notice of Intent submitted by Allen & Major Associates, Inc. (Jacqui Trainer). The proposed work is the construction of an addition to the building encompassing 82,760SF of the west side of the existing building. The existing detention basin will be enlarged to accommodate the increased impervious surface. The property is known as 140 Summit Street, Map 093, Lot 008, Peabody MA.

Present: David Robinson (Allen & Major Associates, Inc.)

Summary: The city engineer assigned to review the project has sent the file out for peer review. It is still going through the peer review process. Mr. Robinson was present to discuss three updates since the original NOI submission. He wanted to confirm that the commission was ok with the maintenance of the existing basins per the existing

O&M Plans (i.e. removing small trees growing in the basins). Work will be done on Monday and the commission had no comments. DEP comments require the applicant to mitigate the increase in impervious in the riverfront. Mr. Robinson showed slides of the proposed mitigation on the north portion of the site. They will remove an existing paved snow storage area and replace it with a pervious grassy area. He also mentioned a new truck court area that is outside ConComm jurisdiction. **Discussion ensued** regarding the peer review round one. The applicant's consultant is still working on a submittal package for both the DEP comments and the Horsley Witten Group peer review memos. No members of the public wished to speak for or against the project.

Motion to continue as made by Mr. Athas. Seconded by Ms. Green. Adopted unanimously 4-0.

7. A Public Hearing on a Notice of Intent submitted by LEC Environmental Consultants, Inc. (Ann Marton) for 8 Centennial Drive Owner, LLC c/o Tishman Speyer Development, LLC (Rustom Cowasjee). The proposed work is the redevelopment of the former Analogic building to include razing and removing all buildings and infrastructure. The construction of four new commercial industrial warehouse buildings with internal circulation, parking, loading facility and supporting infrastructure. Portions of the project occur in the buffer zone to BVW. No work is proposed in riverfront. The property is known as 8 Centennial Drive, Map 91, Lot 6, Peabody MA.

Motion to continue as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 4-0.

ENFORCEMENT ORDERS/VIOLATION ORDERS

8. A continued Enforcement Order issued to the Salem Country Club- for the following activities: Removal of living trees/grinding/grubbing stumps in buffer zone/in close proximity to jurisdictional resource areas and depositing woodchips in buffer zones and along local riverfront woods. The property address is known as 133 Forest Street, Peabody MA.

Motion to continue as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 4-0.

MINOR PERMITS, TREES, EMERGENCY CERT. & EXEMPTION REVIEW

- **Exemption review-PMLP-Warren Street Extension-Battery Energy Storage Project inside existing fenced property.**

Present: Patrick Donahoe- Delorean Power (representative for PMLP)

Summary: The project will be within the fenced in area that currently exists. Ms. Green was concerned with the toxic gases emitted from the batteries as they will be stored outside next to a brook. **Discussion ensued** regarding the logistics of the project. The commission felt that an RDA may be more appropriate versus a complete exemption. Given the nature of batteries they felt some conditions would be necessary. Mr.

Donahoe stated that normal operation of batteries this type will have no emission.
Discussion continued about abutting lots and the abutting brook.

Motion to have PMLP file an RDA for said work as made by Ms. Green. Seconded by Mr. Rizzo. Adopted unanimously 4-0.

Ms. Green mentioned that fellow commissioners may want to google “battery energy storage explosions.” After the motion, the chairman allowed a member of the audience to speak. A Peabody resident named Susan Smoller supports the project. However, she was concerned after hearing Ms. Green’s comments regarding explosions. **Discussion ensued** about the life of the batteries and future landfill issues and battery disposal (typically 20 years). Further **discussion ensued** about various things associated with the proposed facility.

- **Minor Permit- 20 Castle Circle- second story addition and extension of existing deck.**
- **Emergency Cert- 181 Lynnfield Street- demo/fill abandoned inground swimming pool & structural repairs to the rear of the existing house.**

Motion to approve Minor Permit and ratify the Emergency Cert. as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 4-0.

OTHER ITEMS

- **MINUTES- October 11 and November 8, 2023**

Motion to approve as made by Mr. Athas. Seconded by Ms. Green. Adopted unanimously 4-0.

- **Adjournment**

Motion to adjourn as made by Mr. Athas. Seconded by Mr. Rizzo. Adopted unanimously 4-0.

The meeting adjourned at 9:16 PM

Respectfully submitted, (To be signed electronically)

Chairman Stewart Lazares